

CAUSE NO. 97-00933-T

TRACY NEFF,
Plaintiff

vs.

LANDMARK EDUCATION
CORPORATION AND DAVID GRILL,
AN INDIVIDUAL,
Defendants

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

162ND JUDICIAL DISTRICT

AFFIDAVIT OF RICK ROSS

COMES NOW Rick Ross, who deposes and states as follows:

"My name is Rick Ross. I am of sound mind, am over the age of eighteen. The statements in this affidavit are made upon my personal knowledge and are true and correct.

"Since 1986, I have been employed as a private consultant, lecturer and intervention specialist regarding destructive cults, radical, controversial and potentially unsafe groups. In this context, I work with families, mental health professionals, attorneys, clergy, members of law enforcement and the media specifically with regard to individuals who have come under some type of undue influence. My work since 1982 has been focused on researching groups with evidence of a group dynamic and/or philosophy that often creates a type of learned dependency. That is, participants are unduly influenced to follow the directions and solutions of the group and become dependent upon them.

"I have identified and/or interviewed numerous individuals who have participated in programs presented by the Landmark Education Corporation, including persons who have done the Forum, persons who have been volunteers and/or associated with the company. Further, I have reviewed the personnel file of David Grill, and deposition testimony of Tracy Neff taken in this case.

"There is a phenomenon described by mental health professionals as the "transference phenomenon." Essentially, this transference phenomenon is the process in which patients develop trust and transfer feelings and perceptions they have had in past relationships, such as with parents, to their therapist. An imbalance of power develops due to the inherent dependent nature of this relationship. That is, the patient looks to the therapist for help, guidance and critical analysis and becomes extraordinarily vulnerable to their suggestions and/or influence.

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"Although Landmark Education denies that it is therapy, it is nevertheless a type of intensive group encounter. Within the context of such an intensive encounter and through continued courses, Landmark leaders and facilitators essentially occupy a role similar to that of a therapist and/or group encounter facilitator. A type of transference is encouraged within their encounter process that engenders trust by design. Landmark therefore has an inherent responsibility to carefully choose and supervise its designated leaders and be sensitive to any complaints.

"An imbalance of power developed in the relationship between Tracy Neff and David Grill, such that David Grill was able to manipulate and exercise undue influence over Tracy Neff. Further, this type of trust and dependence was due to the fact that David Grill occupied a position of leadership and authority within Landmark Education Corporation and because Tracy Neff was specifically influenced - - again by design - - through the programs presented by Landmark in which she was enrolled.


"The manipulation of Tracy Neff by David Grill, which was facilitated and continually strengthened by his position within Landmark Education Corporation, was a proximate cause of the sexual assault of Tracy Neff on February 3, 1997. Further, because Landmark Education Corporation is eminently familiar with its own programs, it should have reasonably foreseen that this transference phenomenon could develop around its leaders, such as David Grill.

"Further Affiant Sayeth Not."


Rick Ross, Affiant

SWORN TO AND SUBSCRIBED before me by Rick Ross

on the 30th day of October, 1998.


NOTARY PUBLIC in and for the
State of Maryland

MICHAEL J. TEARE
MY COMMISSION EXPIRES
04/15/2001